

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

SHANE MACK LOWRY,

Plaintiff,

v.

**Civil Action No. 1:04CV60
(Judge Broadwater)**

**B.A. BLEDSOE, Warden;
ALICE LOWE, Camp Administrator;
CAPTAIN BETLER;
CHAPLAIN WEIDMAN;
CHAPLAIN KOWALCYK; and
GENERAL FORMEMAN ARMSTRONG,**

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Report and Recommendation of Magistrate Judge John S. Kaull, dated May 5, 2005. The petitioner filed no objections to the Magistrate's Report and Recommendation. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court, therefore, **ORDERS** that, as outlined in the Report and Recommendation, the **DEFENDANT ANSWER PLAINTIFF'S CLAIMS** with respect to allegations that he has not received all of his requested religious materials, regarding an outside religious volunteer, and those concerning the hours assigned for plaintiff's religious services. In accordance with the Magistrate's Recommendation, plaintiff's complaints with respect to religious reading materials, the proportion of prayer time allotted to Wicca, the dismantling of a ceremonial fire pit, and the failure to obtain a priestess are **DISMISSED WITHOUT PREJUDICE**, based on the reasons set forth in the

Magistrate Judge's Report and Recommendation. Plaintiff's Motion Requesting Denial of Access to the Courts and Legal Proceedings Including the Administrative Remedy Process is **DENIED**, based on the reasons set forth in the Magistrate Judge's Report and Recommendation.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to the petitioner and all counsel of record herein.

DATED this 4th day of January 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE